

MEMORANDUM

January 19, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: MARC J. WODIN
Law Office of Marc J. Wodin

ROGER H. GRANBO
Principal Deputy County Counsel
General Litigation Division

RE: Alfredo Rivera v. County of Los Angeles
Riverside Superior Court Case No. RIC 410743

DATE OF
INCIDENT: November 1, 2002

AUTHORITY
REQUESTED: \$82,500

COUNTY
DEPARTMENT: Sheriff's Department

CLAIMS BOARD ACTION:



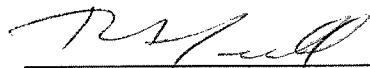
Approve



Disapprove



Recommend to Board of
Supervisors for Approval



ROCKY A. ARMFIELD

, Chief Administrative Office



JOHN F. KRATTLI

, County Counsel



MARIA M. OMS

, Auditor-Controller

on

February 14, 2005

SUMMARY

This is a recommendation to settle for \$82,500, a lawsuit filed by Alfredo Rivera who was injured in an automobile accident with a Sheriff's Deputy.

LEGAL PRINCIPLES

A public entity is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of employment.

SUMMARY OF FACTS

On November 1, 2002, a Sheriff's Deputy was driving on the Riverside Freeway in Orange County when he fell asleep at the wheel. When he awoke, he was unable to avoid colliding with the car driven by Alfredo Rivera, who was coming to a stop because of heavy traffic. The Sheriff's Deputy was traveling at approximately 40 mph at the time of the collision. After he was hit, Mr. Rivera collided with the car in front of him.

Mr. Rivera sustained soft tissue injuries to his neck and back, strains to both shoulders and wrists, a mild concussion, and torn meniscus in his left knee, which required arthroscopic surgery.

DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Medical expenses	\$ 35,600
Loss of earnings	\$ 10,000
Pain and suffering	<u>\$100,000</u>
Total	<u>\$145,000</u>

The proposed settlement calls for the County to pay Mr. Rivera \$82,500 for all of his claims for damages, costs, and attorney fees. The vehicle that Mr. Rivera hit sustained \$1,096 in damages, and that claim has been paid.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.


Expenses incurred by the County in defense of this action are attorney fees of \$14,787 and \$3,108 in costs.

EVALUATION

This is a case of probable liability. The Sheriff's Deputy fell asleep at the wheel and caused the accident. A reasonable settlement at this time will avoid further litigation costs, and a potential jury verdict that could exceed the amount of the settlement.

We join with our private attorney Marc J. Wodin, and our third party administrator, Carl Warren and Company, in recommending a settlement of this matter in the amount of \$82,500. The Sheriff's Department concurs in the recommendation.

APPROVED:



GARY N. MILLER
Assistant County Counsel
General Litigation Division

GNM:scr